

Leon County Citizen Charter Review Committee

PROPOSED AMENDMENT

Citizen Utility Advisory Board

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AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, AMENDING THE HOME RULE CHARTER OF LEON COUNTY, FLORIDA, AMENDING ARTICLE IV, POWERS RESERVED TO THE PEOPLE: INITIATIVE AND RECALL; ADDING A NEW SECTION 4.3 RELATED TO THE LEON COUNTY CITIZEN UTILITY ADVISORY BOARD; PROVIDING FOR A BALLOT QUESTION TO BE POSED TO THE LEON COUNTY ELECTORATE AT THE SPECIAL ELECTION ON _____; PROVIDING FOR THE BALLOT QUESTION FORM; PROVIDING FOR FUTHER AUTHORIZATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED by the Board of County Commissioners of Leon County, Florida,

that:

Section 1. Article IV of the Home Rule Charter of Leon County, Florida, is hereby

amended to read as follows:

**ARTICLE IV. POWERS RESERVED TO THE PEOPLE: INITIATIVE; AND RECALL;
CITIZEN UTILITY ADVISORY BOARD**

Sec. 4.1. Citizen initiative.

(1) **Right to Initiate.** The electors of Leon County shall have the right to initiate County ordinances in order to establish new ordinances and to amend or repeal existing ordinances, not in conflict with the Florida Constitution, general law or this Charter, upon petition signed by at least ten percent (10%) of the total number of electors qualified to vote in the County reflecting ten percent (10%) of the total number of electors qualified to vote within each of the five (5) commission districts. The total number of electors qualified shall mean the total number of electors qualified to vote in the last preceding general election.

1 **(2) Procedure for Petition.** The sponsor of an initiative shall, prior to obtaining any
2 signatures, submit the text of a proposed ordinance to the Supervisor of Elections, with the
3 proposed ballot summary and the form on which signatures will be affixed and obtain a dated
4 receipt therefore. Any such ordinances shall embrace but one (1) subject and matter directly
5 connected therewith. The sponsor shall cause a notice of such submission to be published within
6 fourteen (14) days thereof in a newspaper of general circulation in the County. The allowable
7 period for obtaining signatures on the petition shall be completed not later than one (1) year after
8 initial receipt of the petition by the Supervisor of Elections. The sponsor shall comply with all
9 requirements of general law for political committees, and shall file quarterly reports with the
10 Supervisor of Elections stating, to the best of the sponsor's information and belief, the number of
11 signatures procured. The time and form of such reports may be prescribed by ordinance. When a
12 sufficient number of signatures is obtained, the sponsor shall thereupon submit signed and dated
13 forms to the Supervisor of Elections, and upon submission, shall pay all fees required by general
14 law. The Supervisor of Elections shall, within sixty (60) days after submission of signatures,
15 verify the signatures thereon, or specify a reason for the invalidity of each rejected signature, if
16 the petition is rejected for insufficiency of the number of valid signatures. If the petition is
17 rejected for insufficiency of the number of signatures, the sponsor shall have an additional thirty
18 (30) days within which to submit additional signatures for verification. The Supervisor of
19 Elections shall, within thirty (30) days of submission of additional signatures, verify the
20 additional signatures. In the event sufficient signatures are still not acquired, the Supervisor of
21 Elections shall declare the petition null and void and none of the signatures may be carried over
22 onto another identical or similar petition.

1 **(3) Consideration by Board of County Commissioners.** Within sixty (60) days
2 after the requisite number of signatures has been verified by the Supervisor of Elections and
3 reported to the Board of County Commissioners, the Board of County Commissioners shall give
4 notice and hold public hearing(s) as required by general law on the proposed ordinance and vote
5 on it. If the Board fails to enact the proposed ordinance it shall, by resolution, call a referendum
6 on the question of the adoption of the proposed ordinance to be held at the next general election
7 occurring at least forty-five (45) days after the adoption of such resolution. If the question of the
8 adoption of the proposed ordinance is approved by a majority of those registered electors voting
9 on the question, the proposed ordinance shall be declared, by resolution of the Board of County
10 Commissioners, to be enacted and shall become effective on the date specified in the ordinance,
11 or if not so specified, on January 1 of the succeeding year. The Board of County Commissioners
12 shall not amend or repeal an ordinance adopted by initiative prior to the next succeeding general
13 election, without the approval of a majority of the electors voting at a referendum called for that
14 purpose.

15 **(4) Limitation on Ordinances by Initiative.** The power to enact, amend or repeal
16 an ordinance by initiative shall not include ordinances or provisions related to County budget,
17 debt obligations, capital improvement programs, salaries of County officers and employees, the
18 assessment or collection of taxes, or the zoning of land.

19 **Sec. 4.2. Recall.**

20 All members of the Board of County Commissioners shall be subject to recall as provided
21 by general law.

22 **Sec. 4.3. Leon County Citizen Utility Advisory Board.**

1 **(1) Created; duties and responsibilities.** There is hereby created and made a part of
2 the government of Leon County, a utilities advisory board to be known and designated as the
3 Leon County Citizen Utility Advisory Board, which shall study, investigate, and make
4 recommendations to the Board of County Commissioners and City of Tallahassee City
5 Commission concerning utility rates, planning for and expansion of utility service areas, and
6 maintenance activities to the providers of water, sewer, natural gas, electric and other utility
7 services within Leon County. Recommendations, studies, and findings shall be made available
8 to all utility providers within Leon County.

9 **(2) Composition; membership, qualifications, appointments, compensation,**
10 **election and duties of officers, meetings, vacancies, removal.**

11 (A) The Citizen Utility Advisory Board shall consist of seven (7) members of which
12 three (3) shall be appointed by the Leon County Board of County Commissioners,
13 three (3) shall be appointed by the City of Tallahassee City Commission, and one
14 (1) shall be appointed by the Tallahassee-Leon County Council of Neighborhood
15 Associations, for staggered terms of four years each. The Leon County
16 Administrator, or his/her designee and City of Tallahassee City Manager, or
17 his/her designee shall serve as ex-officio members of the Citizen Utility Advisory
18 Board.

19 (B) Each member shall be a resident and elector of Leon County. Elected officials and
20 employees of Leon County and the City of Tallahassee shall be prohibited from
21 serving on the Citizen Utility Advisory Board. When making appointments, the
22 Board of County Commissioners, City Commission, and Council of
23 Neighborhood Associations shall attempt to include citizens from all segments of

1 the Leon County community, reflecting the different viewpoints, age, gender, life
2 experiences, professions and employment, race and ethnic backgrounds of the
3 citizens in the County.

4 (C) The Board of County Commissioners, City Commission, and Council of
5 Neighborhood Associations, shall, within ninety (90) days upon this article
6 becoming law, appoint by a majority vote, their respective members as provided
7 herein, two of whom shall serve for one (1) year, two of whom shall serve for two
8 (2) years, two of whom shall serve for three (3) years, and one of whom shall
9 serve for four (4) years, each of such terms to commence the first day of each new
10 fiscal year. The Board of County Commissioners and City Commission shall each
11 appoint one member for the one-, two-, and three-year terms, and the Council of
12 Neighborhood Associations shall appoint a member for the four-year term of the
13 Citizen Utility Advisory Board. Thereafter, the term of each member shall be for
14 four (4) years; however, each member shall hold such office until his successor
15 has qualified and been appointed. No member of the Citizen Utility Advisory
16 Board shall serve more than two (2) consecutive terms.

17 (D) Members of the Citizen Utility Advisory Board shall not be compensated.

18 (E) The Citizen Utility Advisory Board by majority vote shall elect from among its
19 members a chairman, who shall preside over the meetings of the Advisory Board,
20 a vice-chairman who shall act for the chairman during his/her absence, and a
21 recording secretary.

1 **Section 4. Further Authorization.**

2 The Board of County Commissioners of Leon County, Florida, is authorized to adopt all
3 resolutions and take all actions necessary in order for this Charter amendment referendum to be
4 properly placed on the ballot for the special election of _____. Said referendum
5 shall be conducted according to the requirements of law governing referendum elections in the
6 State of Florida.

7 **Section 5. Severability.**

8 If any word, phrase, clause, section or portion of this ordinance shall be held invalid or
9 unconstitutional by a court of competent jurisdiction, such portion or words shall be deemed a
10 separate and independent provision and such holding shall not affect the validity of the
11 remaining portions thereof.

12 **Section 6. Effective Date.**

13 This ordinance shall have effect upon becoming law, but shall be of no further force or
14 effect if the proposed Charter amendments are not duly approved at the
15 _____, special election. The amendments to the Home Rule Charter of
16 Leon County, Florida, as proposed by this Ordinance, shall become effective
17 _____, if the Charter amendment is approved by a “yes” vote by a majority
18 of those duly qualified electors voting on the question posed at the _____,
19 referendum.

1 DULY PASSED AND ADOPTED BY the Board of County Commissioners of Leon
2 County, Florida, this ____ day of _____, 2010.

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4 LEON COUNTY, FLORIDA
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7 By: _____
8 Bob Rackleff, Chairman
9 Board of County Commissioners
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12 ATTESTED BY:
13 BOB INZER, CLERK OF THE COURT
14 LEON COUNTY, FLORIDA
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17 By: _____
18 Clerk
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21 APPROVED AS TO FORM:
22 COUNTY ATTORNEY'S OFFICE
23 LEON COUNTY, FLORIDA
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26 By: _____
27 Herbert W. A. Thiele, Esq.
28 County Attorney